

HOUSE BILL No. 4723

April 17, 1991, Introduced by Reps. Niederstadt, Dobronski, Hertel, Weeks, Bartnik, Wallace, Olshove, Yokich, Profit and Baade and referred to the Committee on Transportation.

A bill to provide for certain disclosures with respect to the use of aftermarket crash parts in the repair of motor vehicles; to prescribe the powers and duties of repair facilities and installers with respect to the use of aftermarket crash parts; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "aftermarket crash parts act".

3 Sec. 2. As used in this act:

4 (a) "Aftermarket crash part" means a replacement part for a
5 nonmechanical sheet metal part or plastic part that generally
6 constitutes part of the exterior of a motor vehicle, including,
7 but not limited to, an inner or outer panel.

8 (b) "Installer" means an individual who replaces or repairs
9 parts of a motor vehicle.

1 (c) "Insurer" means an insurance company authorized to
2 transact property, fire, or casualty insurance in this state and
3 an agent of the insurer and includes an insurance association,
4 pool, or facility created under the insurance code of 1956, Act
5 No. 218 of the Public Acts of 1956, being sections 500.100 to
6 500.8302 of the Michigan Compiled Laws.

7 (d) "Motor vehicle" means a self-propelled device by which a
8 person or property may be transported upon a public highway.
9 Motor vehicle does not include a tractor, motorcycle, moped,
10 trailer, semitrailer, bus, power shovel, road machinery, agricul-
11 tural machinery, or other machinery or vehicle not designed pri-
12 marily for highway transportation, but which may incidentally
13 transport persons or property on a public highway. Motor vehicle
14 also does not include a device that moves upon or is guided by a
15 track.

16 (e) "Nonoriginal equipment manufacturer aftermarket crash
17 part" or "non-OEM aftermarket crash part" means an aftermarket
18 crash part not made by or for the manufacturer of a motor
19 vehicle.

20 (f) "Repair facility" means any motor vehicle dealer,
21 garage, body repair shop, or other commercial entity that under-
22 takes the repair or replacement of parts that generally consti-
23 tute the exterior of a motor vehicle.

24 Sec. 3. If an insurer requests the use of non-OEM after-
25 market crash parts in the repair of an insured's motor vehicle, a
26 repair facility or installer may use non-OEM aftermarket crash
27 parts to repair a vehicle only if the insured receives a written

1 estimate of repairs that clearly identifies each non-OEM
2 aftermarket crash part and that contains or has attached to it in
3 not less than 10-point bold type the following information:

4 "This estimate has been prepared based on the use of
5 crash parts supplied by a source other than the manu-
6 facturer of your motor vehicle. Warranties that apply
7 to these replacement parts are provided by the manu-
8 facturer, distributor, or insurer of these parts."

9 Sec. 4. This act may be enforced through a civil action for
10 damages in a court of appropriate jurisdiction.

11 Sec. 5. This act shall take effect April 1, 1991.